IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 19611 of 2004

Between:

Sri K. Veera Raghava Reddy, S/o. Sri K. Nagi Reddy,
R/o. Balabadhrapuram, Bikkavolu Mandal, East Godavari District.

..... PETITIONER

AND

1 Station House Officer, III Town, Law & Order Police Station,
Visakhapatnam.
2 Sri. N. Satyanarayana reddy, S/o. Sri Narayana Reddy, Hindu,
R/o. Pasalapudi Village, Rayavaram (M), East Godavari District

O/o. LIG-9/4, D.No. 10-53-22,Nehrunagar, Ramnagar,

Visakhapatnam - 530 003.
3 Sri. K. Srinivasa Reddy, S/o. Satyanarayana Reddy, Hindu,
R/o. Pasalapudi , Rayavaram Mandal, East Godavari District.
4 Sri. M. Srinivasa Reddy, S/o. Ramakrishna Reddy, Hindu,
R/o. Chelluru Village, Rayavaram Mandal, East Godavari

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature Writ of Mandamus declaring the action of the 1st respondent in seizing the Tata Sumo bearing No.AP 30 B 6666 on 14-10-2004.

Counsel for the Petitioner:MR.D.GOPALA KRISHNA

Counsel for the Respondent No.1: GP FOR HOME

Counsel for Respondents 2 to 4: --

The Court at the stage of admission made the following O R D E R:

The petitioner seeks a writ of Mandamus declaring the action of the first respondent-Station House Officer, III Town, Law & Order P.S., Visakhapatnam in seizing the Tatao Sumo bearing No.AP 30 B 6666 on 14-10-2004, as arbitrary and illegal and also seeks a consequential direction for releasing of the said vehicle.

As can be seen from the material on record, Crime No.86 of 2004 on the file of III Town Law & Order P.S., Visakhapatnam, was registered against the petitioner on the basis of a complaint made by the second respondent herein alleging that the petitioner along with two others conspired together and took the vehicle in question from the second respondent with a dishonest intention and thereafter got transferred it into their names by forging the signatures of the second respondent and by creating fabricated documents by producing a fictitious person by way of impersonation before the R.T.A. authorities, Srikakulam. On the basis of the same, Crime No.86 of 2004 was registered for the offence punishable under Section 120-B, 419, 468, 471 and 506 I.P.C., and the vehicle was seized. Admittedly, the investigation is pending.

It is also relevant to note that the crime was registered in pursuance of the reference made by the II Metropolitan Magistrate, Visakhapatnam basing on the complaint made by the second respondent herein.

In the circumstances, I am of the view that the interference of this Court at this stage is not at all warranted.

Accordingly, the writ petition is dismissed. However, this shall not preclude the petitioner to workout the appropriate remedy as available under law, for release of the vehicle in question. No costs.

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03-11-2004

kdl

To

1. Station House Officer, III Town, Law & Order Police Station, Visakhapatnam.

2. Two C.Cs to the Government Pleader for Home, High Court Buildings, A.P., Hyderabad (OUT)

3. Two C.D. copies.

4. One C.C. to Mr.Gopal Krishna, Advocate.